

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015040167

TEHACHAPI UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015050907

ORDER GRANTING MOTION TO
CONSOLIDATE

On March 28, 2015, Student filed an amended Request for Due Process Hearing with the Office of Administrative Hearings in OAH case number 2015040167 (Student's Case), naming Tehachapi Unified School District. On May 1, 2015, OAH reset the timelines in this matter. On June 5, 2015, OAH granted the parties' continuance request.

On May 22, 2015, District filed a Request for Due Process Hearing in OAH case number 2015050529 (District's Case), naming Student.

On May 29, 2015, District filed a Motion to Consolidate Student's Case with District's Case. OAH received no response from Student.

APPLICABLE LAW AND DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, regarding the adequacy of District's speech and language assessment and Parents' right to an independent assessment. In addition, consolidation furthers the interests of judicial economy because of the commonality of legal and factual issues, documentary evidence and witnesses. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2015050907 [District's Case] are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2015040167 [Student's Case], and all dates remain on calendar for Student's Case.

DATE: June 10, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings